

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ANTONIO MCGILL,)	
)	
Plaintiff,)	No. 1:12-cv-00143
)	Chief Judge Haynes
v.)	
)	
DR. GLEN BABICH,)	
)	
Defendant.)	

O R D E R

Plaintiff, Antonio McGill, an inmate at the Turney Center Prison in Only, Tennessee, filed this action under 42 U.S.C. § 1983 against Defendant Dr. Glen Babich in his official and individual capacities. Plaintiff's primary claim is that the Defendant failed to provide the Plaintiff with prompt and adequate medical care for his chronic hip condition that worsened and increased Plaintiff's pain. (Docket No. 1).

By Order entered on November 1, 2012 (Docket No. 9), the Court granted the Plaintiff's application to proceed *in forma pauperis* (Docket No. 2). The Court also set a frivolity hearing in the Plaintiff's case. (*Id.* at p. 2). The hearing initially was set for December 14, 2012, but was later continued by Court Order until December 19, 2012, at 3:30 p.m. (Docket No. 20).

On December 12, 2012, Plaintiff filed a Motion (Docket No. 23) asking the Court to cancel the upcoming frivolity hearing and instead issue an Order finding that Plaintiff's claims are non-frivolous and non-malicious.

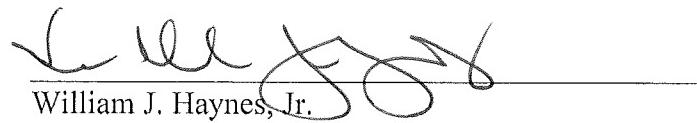
Because the Plaintiff is a prisoner, under the Prison Litigation Reform Act, the Court must conduct a preliminary review of his complaint to determine whether it is frivolous, malicious, or fails

to state a claim upon which relief can be granted. 28 U.S.C. § 1915A. The Court previously has determined that a frivolity hearing is necessary to decide if Plaintiff's claims should proceed further. Accordingly, the Plaintiff's Motion (Docket No. 23) is hereby **DENIED**.

As previously directed (Docket No. 9 at p. 2), the Plaintiff's institution shall produce Plaintiff and Plaintiff's medical record for the hearing.

It is so **ORDERED**.

Entered this the 17th day of December, 2012.



William J. Haynes, Jr.
Chief United States District Judge